

**REMARKS**

Claims 1-11, 13-39 and 41-43 are all the claims pending in the application.

Applicants note with appreciation that claims 17-25 and 27-30 are allowed. See Paragraph No. 12 of the Action.

**I. Priority Document**

The Examiner acknowledged Applicants' claim for foreign priority, however, she indicated that the certified copy of the priority document has not been received.

Applicants respectfully submit that the certified copy of the priority document was previously submitted on October 1, 2002, as evidenced by the PTO date-stamped filing receipt (a copy is attached). In addition, the Examiner has confirmed the receipt of the certified copy of the priority document in the Office Actions dated March 16 and November 2, 2004.

Accordingly, the Examiner is respectfully request to reconfirm the receipt of the certified copy of the priority document in the next PTO communication.

**II. Response to Non-Statutory Double Patenting Rejections**

In Paragraph No. 2 of the Action, claims 32 and 39 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 3 of U.S. Pat. No. 6,878,502 ("the '502 patent"). Further, in Paragraph No. 3 of the Action, claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 3 of the '502 patent.

Applicants submit herewith a Terminal Disclaimer with a Statement under 37 C.F.R. § 3.73(b). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections.

**III. Response to Rejection Under 35 U.S.C. § 102(e)**

In Paragraph No. 7 of the Action, claims 1, 2, 4, 5, 7, 8-11, 13-16, 31, 32, 34-36, 38, 39 and 41 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hashimoto et al (US 2002/0155376 A1).

Applicants respectfully submit that Hashimoto et al is not prior art against the present claims and thus the rejection is improper. Specifically, Hashimoto et al was filed on September 6, 2001 and thus has a § 102(e) date of September 6, 2001. The present application claims a foreign priority date of March 19, 2001, prior to the September 6, 2001 date of Hashimoto et al. Applicants have previously submitted a verified English translation of the priority document on June 16, 2004. Therefore, Hashimoto et al is not prior art against the present claims. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

**III. Response to Rejections Under 35 U.S.C. § 103(a)**

In Paragraph No. 5 of the Action, claims 1, 4, 5, 6, 8, 10, 11 and 13-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito et al (J. Vacuum Sci. Tech., 2001) (“the Ito article”). Further, in Paragraph No. 8 of the Action, claims 35 and 42 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hashimoto et al in view of Kim et al

(U.S. Pat. No. 6,713,228). Still further, in Paragraph No. 9 of the Action, claims 37 and 43 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hashimoto et al in view of Kawabe et al (U.S. Pat. No. 6,159,656).

Applicants respectfully submit that Hashimoto et al and the Ito article are not prior art against the present claims and thus the rejections are improper. As set forth above, Hashimoto et al is not prior art against the present claims.

Further, the Ito article was published in November 2001, subsequent to the March 19, 2001 priority date of the present application. As set forth above, Applicants have previously submitted a verified English translation of the priority document. Therefore, the Ito article is not prior art against the present claims.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections.

#### **IV. Response to Claim Objection**

In Paragraph No. 10 of the Action, claims 3 and 33 are objected to as being dependent on a rejected base claim.

Applicants respectfully submit that the rejections of claims 1 and 31, from which claims 3 and 33 depend, respectively, have been overcome as set forth above, and thus the objection should be withdrawn.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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In re application of

Toshiaki AOAI, et al.

Appln. No. 10/099,981

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Examiner: Not Yet Assigned

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